

REMARKS

Statement of Substance of Interview

As an initial matter, counsel would like to thank the Examiners for the courtesies extended during the personal interview conducted August 13, 2009.

The Interview Summary mailed August 17, 2009 provides an accurate summary and statement of the substance of the interview with the Examiners.

Response to Office Action of April 3, 2009

In the present Amendment, the description in Example 4 has been amended to conform to what is illustrated in Figure 4. No new matter is added.

Claims 1 and 6 have been amended to recite that a part of the mask is not covered with said semiconductor multilayer film. Section 112 support for the amendment is found, for example, in Figs. 4-6 and the accompanying description of the specification. New claims 22-25 have been added. Section 112 support for claims 22 and 24 is found, for example, in the following (a)-(c):

- (a) DETAILED DESCRIPTION OF THE INVENTION, p.10, line 27, p.11, lines 1-14;
- (b) Example 1, p.14, lines 4-6 “[i]n this way, a wafer in which polycrystalline AlN is deposited on an SiO₂ masking material and selective growth is then carried out has a very low dislocation density on the mask;”
- (c) Example 2, p.16, lines 7-10; Example 3, p.18, lines 6-9; Example 4, p.20, lines 11-13; Example 5, p.22, lines 22-25 and Example 6, p.25, lines 6-9.

Section 112 support for claims 23 and 25 is found, for example, in Figs. 1-3 and Example 1, p. 13, lines 1-4, “[t]he GaN layer that is grown from the mask opening subsequently grows laterally and unites with In this way the GaN layer is planarized,”

No new matter has been added, and entry of the Amendment is respectfully requested.

Upon entry of the Amendment, claims 1-4, 6-9, 11 and 22-25 will be pending.

In paragraph No. 2 of the Action, claims 1-4, 6-9 and 11 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Tadatomo et al (U.S. 6,225,650) in view of Motoki et al (U.S. 2003/0145783).

Applicants submit that this rejection should be withdrawn because Tadatomo et al and Motoki et al do not disclose or render obvious the present invention, either alone or in combination.

Independent claims 1 and 6 have been amended to recite that a part of the mask is not covered with said semiconductor multilayer film, which are directed to the embodiments based on Figs. 4-6. Tadatomo et al and Motoki et al do not teach or suggest the limitations required by the amended claims.

Further, as indicated in the Interview Summary of August 17, 2009, an amended claim drawn specifically to a structure shown in Figs. 4-6 of current application would likely overcome the rejection over the prior art of record.

In view of the above, reconsideration and withdrawal of the §103(a) rejection based on Tadatomo et al in view of Motoki et al are respectfully requested.


New claims 22-25 are patentable over Tadatomo et al and Motoki et al because Tadatomo et al and Motoki et al do not teach or suggest that the semiconductor multilayer film has a dislocation density *directly* on the mask of $1 \times 10^7/\text{cm}^2$ or less, either alone or in combination.

Allowance is respectfully requested. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860


Hui C. Wauters
Registration No. 57,426

WASHINGTON OFFICE

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CUSTOMER NUMBER

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